

Remarks

Claims 1, 2, 5-20, 23, and 26-31 are pending in this application. Each of claims 1, 2, 5-20, 23, and 26-31 has been rejected as being obvious under 35 U.S.C. § 103(a) over the combination of U.S. Patent No. 6,438,594 to Bowman-Amuah in view of U.S. Patent Application Publication No. 20010049717 to Freeman et al. and U.S. Patent No. 5,781,908, to Williams et al.

A. The Claims are Not Disclosed by the Combination of Bowman-Amuah, Freeman, and Williams

Even if Bowman-Amuah, Freeman, and Williams could be combined for the sake of the obviousness rejection asserted by the examiner, the combination of Bowman-Amuah, Freeman, and Williams does not disclose or suggest each element of the rejected claims. Applicants respectfully submit that a prima facie case of obviousness has not been established and that a rejection of the pending claims on obviousness grounds is improper. A prima facie case of obviousness requires a showing that all of the claim limitations of the rejected claims are taught or suggested by the prior art. Manual of Patent Examining Procedure 2143 and 2143.03. The establishment of a prima facie case of obviousness requires that *all* the claim limitations be taught or suggested by the prior art. MPEP 2143.01 (emphasis added). “All words of a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (CCPA 1970).

Here, all of the elements of the independent claims are not shown in the combination of Bowman-Amuah, Freeman, and Williams. In particular, no combination of Bowman-Amuah, Freeman, and Williams discloses the ability of a repository subsystem to queue write statements issued by the source subsystem for later delivery to the target subsystem. This element is present in the independent claims (1 and 23) of the present application. Because

all remaining claims depend directly or indirectly from independent claims 1 and 23, the claim element concerning the queuing of write statements in the repository subsystem is present in each claim of the pending application.

The examiner acknowledges that neither Bowman-Amuah nor Freeman discloses the claim element of queuing of write statements in the repository subsystem. In the Office Action at issue, the examiner writes on page 3 that “Bowman-Amuah does not explicitly teach ‘wherein the repository subsystem is operable to queue the write statement issued by the source subsystem and deliver the write statement to the target subsystem.’” (Office Action, page 3).

To cure this deficiency in Bowman-Amuah, the examiner has added Williams to the Section 103 obviousness rejection and points to Williams as providing the disclosure for this claim element: “Williams et al. teaches ‘wherein the repository subsystem is operable to queue the write statement issued by the source subsystem and deliver the write statement to the target subsystem.’” The examiner points to column 7, lines 39-50 for this disclosure. The entirety of column 7, lines 39-50 of Williams is set out below:

WRITE accepts a first Type 86 of *JRN, *DTAQ or *DCQ file and the name of a file for a first Value 90. If the first Type 86 is *JRN or *DTAQ, then the second Type 88 and second Value 92 are blank and WRITE verb simply writes the current record to the specified file. If the first Type 86 is a *DCQ (data communication queue), then the second Type 88 is a *DTAQ and the second Value 92 specifies the name of the destination data queue. The WRITE verb writes the current file to the specified data communication queue and, when received by the remote node, the record is stored in the specified data queue. There must be one, and there may be many WRITE statements in a script.

(Williams, col. 7, lines 39-50). This passage of Williams — and the entirety of Williams — does not disclose a repository subsystem that “is operable to queue the write statement issued by the source subsystem and deliver the write statement to the target subsystem,” as required by claims 1 and 23.

Williams discloses a network that includes multiple nodes. In Williams, as an alternative to storing a master file at a central server node, each node stores a master copy *locally* in a disk drive at each node. (Williams, col. 3, lines 7-9). When one of these local files is modified at a node, the node synchronizes the master file at each remote node in the network by communicating the update directly to the appropriate remote nodes under the control of a user-defined script file. (Williams, col. 3, lines 10-12). Hence, when a user application modifies or adds a record to the file, the Distributed Data Synchronizer (DDS) 16 of the node simply “reads that record, performs user specified pre-processing, and transfers the record” to a remote node (target node) over the network. (Williams, col. 4, lines 38-41). The DDS 16 on the remote node then performs user specified post-processing and updates the corresponding master copy at the remote node. (Williams, col. 4, lines 41-44).

As set forth in the Williams’s abstract, the communication of the updates from a source node to the appropriate remote nodes is carried out under the control of a user defined script file. (Williams, Abstract). The passage from Williams cited by the examiner — col. 7, lines 39-50 — discloses the definition of script verbs available to the user for defining the script file within the source node. Hence, the passage cited by the examiner simply provides that in defining the script file the user can use the “WRITE” verb to write the current file to the specified data communication queue in the *source node* and have the record be stored in a specified data queue upon receipt by the *target node*. (Williams, col. 7, lines 47-49). Therefore, Williams merely discloses a method of communication between a source node and a target node and is completely silent as to the use of an intermediary repository subsystem that is *external* to the source subsystem and the target subsystem, and which is operable to queue a write statement issued by the source subsystem and deliver it to a target subsystem.

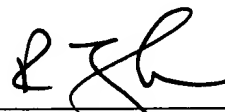
Unless each element of the claim is taught or disclosed, an obviousness rejection is improper. Here, because the combination of Bowman-Amuah, Freeman, and Williams does not disclose or suggest a repository subsystem for queuing a write statement between a source subsystem and a target subsystem, the rejection of the pending claims should be withdrawn and these claims should be passed to issuance.

To further clarify the differences between the independent claims of the present application and Williams, claims 1 and 23 have been amended to specify that the target subsystem is external to the source subsystem. As a result of this amendment, the source subsystem, repository subsystem, and target subsystem of claim 1 comprise separate subsystems that are each separate from one another.

Conclusion

Applicants respectfully submit that pending claims 1, 2, 5-20, 23, and 26-31 of the present invention are allowable. Applicants respectfully request that the rejection of the pending claims be withdrawn and that these claims be passed to issuance.

Respectfully submitted,



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